

10/23/2006 10:11 2062750551 RECEIVED  
IN THE SUPREME COURT SUPREME COURT  
OF THE STATE OF WASHINGTON STATE OF WASHINGTON

1  
2  
3 STATE OF WASHINGTON,

4 Respondent,

5 v.

6 BRIAN ZANE WOMAC,

7 Appellant.

Case No.: 78166-4

2006 OCT 24 P 2:52  
BY C. J. MERRITT  
STATEMENT OF ADDITIONAL  
AUTHORITY (RAP 10.8)  
CLERK

8  
9 Petitioner Brian Womac, by and through his appellate counsel of record, Rebecca  
10 Wold Bouchey, hereby submits pursuant to RAP 10.8 the following additional authorities  
11 relating to the double jeopardy issue: *State v. Herman*, 93 Wn.2d 590 (1980) (Prior jury  
12 verdicts, even if not reduced to judgment, can be used to impeach); *State v. Kelly*, 20 Wn.  
13 App. 705 (1978) (For purposes of the habitual criminal statute, a conviction is the finding of  
14 guilt, as distinguished from the judgment and sentence); RCW 9.94A.030 (Defining  
15 "conviction" as an "adjudication of guilt," including a jury verdict).

16 Oral argument has been set for October 26, 2006, at 1:30 p.m.

17  
18 Dated this October 24, 2006.

19  
20  
21 

22 Rebecca Wold Bouchey  
23 WSB# 26081  
24 Attorney for Appellant

25 STATEMENT OF ADDITIONAL AUTHORITY - I

REBECCA WOLD BOUCHEY  
ATTORNEY AT LAW  
P.O. BOX 1401  
MERCER ISLAND, WA 98040  
(206) 275-0551

CERTIFICATE OF SERVICE

I, Rebecca Wold Bouchey, hereby certify under penalty of perjury under the laws of the State of Washington that on October 24, 2006, I provided a copy of the foregoing document via e-mail and first-class mail to:

Attorney for Respondent  
Michelle Luna-Green  
Office of the Prosecuting Attorney  
930 Tacoma Avenue South, Rm. 946  
Tacoma, WA 98402-2111

I also provided a copy of this document via first-class mail, postage pre-paid, to:

Appellant:  
Brian Z. Womac  
DOC #867226  
Stafford Creek Correctional Center  
191 Constantine Way  
Aberdeen, WA 98520



Rebecca Wold Bouchey  
WSB# 26081  
Attorney for Appellant

RECEIVED  
SUPREME COURT  
STATE OF WASHINGTON  
2006 OCT 24 P 2:52  
BY C.J. MERRITT  
CLERK

STATEMENT OF ADDITIONAL AUTHORITY - 2

REBECCA WOLD BOUCHEY  
ATTORNEY AT LAW  
P.O. BOX 1401  
MERCER ISLAND, WA 98040  
(206) 275-0551